

Planning and Zoning Commission Regular Meeting
September 21, 2005

1. CALL SESSION TO ORDER

The September 21, 2005, Regular Meeting of the Planning and Zoning Commission was held in the Council Chambers of the City Hall of Round Rock located at 221 East Main Street. With a quorum present, Chairman Kosik called the meeting to order at 7:05 p.m.

2. ROLL CALL

Present for roll call, along with Chairman Kosik were Commissioners David Pavliska, Ray Thibodaux, Dale Austin, Betty Weeks, Sandy Arnold. Larry Quick arrived at 7:13 p.m. Commissioners Drapes and Boles were absent from the meeting. Staff included Susan Brennan, Planning Coordinator, Bernadette Hayes, Senior Planner, Joelle Jordan, Senior Planner, James Hemenes, Park Planner, Alysha Girard, Development Services Manager, Eric Langhout, Public Works Department and Dianna Hutchens, Administrative Technician.

3. APPROVAL OF THE AUGUST 17, 2005 REGULAR MEETING MINUTES.

Motion: Commissioner Pavliska made a motion to approve the August 17, 2005, Regular Meeting minutes. Commissioner Thibodaux seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Larry Quick, Peter Drapes and Russ Boles. The motion carried unanimously.

4. CONSENT AGENDA

Chairman Kosik requested that Consent Agenda Item 4.J. be removed and discussed later in the meeting. Commissioner Arnold requested that Item 4.G. be removed from the Consent Agenda and discussed later in the meeting.

4.A. Consider the Final Plat of Behrens Ranch Phase F, Section 1, application no. 2005-052-FP.

4.B. Consider the Final Plat of Behrens Ranch Phase F, Section 2, application no. 2005-053-FP.

4.C. Consider the Vacation of the First Limited Addition Plat, application no. 2005-002-V.

4.D. Consider the Final Plat of Chandler Road Retail, Section Two, application no. 2005-031-FP.

- 4.E. **Consider the Amending Plat of Lots 26 & 27, Village at Mayfield Ranch, application no. 2005-054-FP.**
- 4.F. **Consider the Preliminary Plat of Harris-Tuttle Estate application no. 2005-027-PP.**
- 4.H. **Consider the Extension of the Final Plat of Hidden Glen, Phase 5B, application no. 2005-051-FP.**
- 4.I. **Consider the Extension of the Final Plat of Hidden Glen, Phase 6B, application no. 2005-052-FP.**

Motion: Commissioner Pavliska made a motion to approve Consent Agenda Items A, B, C, D, E, F, H, and I. Commissioner Thibodaux seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Larry Quick, Peter Drapes and Russ Boles. The motion carried unanimously.

- 4.G. **Consider the Preliminary Plat of Seton Network subdivision, application no. 2005-023-PP.**

Commissioner Arnold recognized that there were Seton and Avery representatives in the audience. She complimented them on the project and said it was something she was very excited about it.

Chairman Kosik noted that typically transportation issues are reviewed at the preliminary plat stage, and that the right-of-way along FM 1460 needed to be tied down. He asked what was proposed for FM 1460. Mr. Stendebach responded that originally the right-of-way was going from the existing FM 1460 ROW east to the water easement line; however, there was some discussion that it could change. Rather than show it as a reserve on the map and have it change at a later time, plat note #6 was added. He noted that the owners are in contact with TXDoT to work out the agreement. Chairman Kosik referenced the Transportation Plan and asked what the width was of the proposed right-of-way for FM 1460 in this area. Mr. Stendebach said it would normally be 120' and noted the developer is working with TXDoT. Chairman Kosik asked if that was the normal procedure, or if it was something that needed to be tied down with the final plat. Mr. Stendebach said the City cannot ask for dedication because the amount of right-of-way that would be requested would not be proportional to the size of the property and the uses indicated. Chairman Kosik said he did not mean that all of the right-of-way should be a donation by the

developer, but he thought it was only fair to the City and the developer to have it tied down by the final plat.

Motion: Commissioner Arnold made a motion to approve the preliminary plat. Commissioner Austin seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Larry Quick, Peter Drapes and Russ Boles. The motion carried unanimously.

Commissioner Quick joined the Commissioners at the dias.

4.J. Consider the Final Plat of Hoppe Center, application no. 2005-051-FP.

Chairman Kosik said there was reference to a joint access easement on the plat. He suggested that the information be referenced in a note on the plat. Ms. Hayes suggested adding a note stating:

- The joint access easement located on Lot 1 is for the sole purpose of providing joint access between Lots 1 and 2, Block A.

Motion: Commissioner Pavliska made a motion to approve the final plat as conditioned. Commissioner Thibodaux seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

5. TABLED ITEMS REQUIRING A PUBLIC HEARING

5.A. Consider public testimony regarding the application filed by Harden Healthcare, to zone 9.375 acres of land, more or less, out of the J. M. Harrell Survey, Abstract No. 284, Williamson County, Texas, to SF-R (Single-Family Rural) District and SR (Senior Residential) District, application no. 2005-024-Z.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

Motion: Commissioner Pavliska made a motion to continue the public hearing until the November 2, 2005 meeting. Commissioner Austin seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

5.B. Consider a recommendation to zone 9.375 acres of land to SF-R (Single-Family Rural) District and SR (Senior Residential) District, application no. 2005-024-Z.

Motion: Commissioner Arnold made a motion to table the public hearing until the November 2, 2005 meeting. Commissioner Quick seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

5.C. Consider public testimony regarding the application filed by Harden Healthcare, for the approval of the Trisun Subdivision Concept Plan, application no. 2005-008-CP.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

Motion: Commissioner Pavliska made a motion to continue the public hearing until the November 2, 2005 meeting. Commissioner Austin seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

5.D. Consider a recommendation to approve the Trisun Subdivision Concept Plan, application no. 2005-008-CP.

Motion: Commissioner Austin made a motion to table the public hearing until the November 2, 2005 meeting. Commissioner Thibodaux seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

5.E. Consider public testimony regarding the application filed by Rodney and Jennifer Dial, Dennis and Tracey Lowe, and Michael and Kasey Johnson, to replat Lot 9A of the Replat of Lot 9, Sweet Farms Subdivision and Lot 10B of Sweet Farms Subdivision, application no. 2005-050-FP.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

Motion: Commissioner Pavliska made a motion to continue the public hearing until the November 2, 2005 meeting. Commissioner Arnold seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

5.F. Consider a recommendation to replat Lot 9A of the Replat of Lot 9, Sweet Farms Subdivision and Lot 10B of the Sweet Farms Subdivision, application no. 2005-050-FP.

Motion: Commissioner Austin made a motion to table the public hearing until the November 2, 2005 meeting. Commissioner Thibodaux seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

5.G. Consider public testimony regarding the application filed by The Fellowship Church at Forest Creek, to zone 5.2993 acres of land, more or less, out of the ASA Thomas Survey, Abstract No. 609, in Williamson County, Texas, to PF-1 (Public Facilities - Low Intensity) District, application no. 2005-025-Z.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

Motion: Commissioner Thibodaux made a motion to continue the public hearing until the November 2, 2005 meeting. Commissioner Arnold seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

5.H. Consider a recommendation to zone 5.2993 acres of land to PF-1 (Public Facilities - Low Intensity) District, application no. 2005-25-Z.

Motion: Commissioner Pavliska made a motion to table the public hearing until the November 2, 2005 meeting. Commissioner Thibodaux seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

6. WITHDRAWN ITEMS

6.A. Consider the Brushy Creek Wastewater Treatment Plant Final Plat, application #2004-069-FP.

The applicant has requested that this item be withdrawn. No action taken by the Planning and Zoning Commission.

6.B. Consider public testimony regarding the application filed by Sycamore Trails, LTD., to rezone 32.332 acres of land, more or less, out of the P.A. Holder Survey, Abstract # 297, in Williamson County, Texas, from MF (Multifamily) District to SF-2 (Single Family-Standard Lot) District, application # 2005-014-ZC.

The applicant has requested that this item be withdrawn. No action taken by the Planning and Zoning Commission.

6.C. Consider public testimony regarding the application filed by Sycamore Trails, LTD., for approval of the Ashton Oaks Section Two, Concept Plan, application # 2005-006-CP.

The applicant has requested that this item be withdrawn. No action taken by the Planning and Zoning Commission.

7. ADDITIONAL PLATS

7.A. Consider the Preliminary Plat of Puett Commercial Tract, application no. 2005-022-PP.

Ms. Hayes presented staff's analysis of the preliminary plat noting staff's recommendation of approval with the following condition:

- Provide updated utility schematics depicting the sizes of the existing water and wastewater lines.

Chairman Kosik asked if there was a restriction to access off of Sam Bass Road for Lot 1. He asked if Transportation had reviewed the plat. Mr. Stendebach said that would be regulated during the site plan process.

Motion: Commissioner Pavliska made a motion to approve the preliminary plat. Commissioner Austin seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously

7.B. Consider the Final Plat of Puett Commercial, application no. 2005-055-FP.

Ms. Hayes presented staff's analysis of the final plat noting staff's recommendation of approval. She referenced the one condition that was noted and said that the preliminary plat has been approved so the condition could be removed.

Motion: Commissioner Arnold made a motion to approve the final plat. Commissioner Austin seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously

7.C. Consider the Final Plat of Chandler Road Retail Subdivision Section One, application no. 2005-034-FP.

Ms. Hayes presented staff's analysis of the final plat and noting staff's recommendation of approval with conditions. She referenced the first condition regarding the vacation of First Limited Addition Subdivision and said since it was approved earlier

in the meeting, it was no longer necessary as a condition. She noted staff's remaining conditions:

- The Chandler Road Retail Section One is not recorded prior to the First Limited Addition Final Plat Vacation recordation.
- Correct the spelling of 'tandem' in note # 8.

Chairman Kosik asked if Chandler Road Section Two was the right-of-way for Oakmont Drive. Ms. Hayes said yes. Chairman Kosik said he could understand Lots 2 & 3 for right-of-way, but Lot 4 was an odd looking piece of right-of-way. He asked why it was arranged the way it was. Mr. Stendebach said it was the location of a driveway access into this development and the applicant wanted the extra turning capacity. Chairman Kosik said that was a good idea.

Chairman Kosik asked if a condition was needed for the wastewater easement because it will not be recorded by plat. Ms. Hayes said the wastewater easement will be dedicated by separate instrument. Mr. Stendebach suggested that an additional condition be added that the 20' wastewater easement be recorded prior to the recording of the final plat. Chairman Kosik agreed with the additional condition.

Motion: Commissioner Pavliska made a motion to approve the final plat as conditioned. Commissioner Austin seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

7.D. Consider the Revised Preliminary Plat of Legends Village, Section 2, Phases 2-5, application no. 2005-025-PP.

Ms. Hayes presented staff's analysis of the revised preliminary plat noting staff's recommendation of approval with the following conditions:

- Provide a clear and accurate location map.
- Provide ultimate floodplain on the plat.
- Provide current FEMA 100 year floodplain on the plat.

Commissioner Quick asked if there was a reason for the specified locations of the postal units. He thought it would encourage extra traffic during the day and thought that better placement of the units could cut down the extra traffic.

Chairman Kosik asked if there was floodplain on the plat. He noted a heavy line on Lot 5A, but it really did not match any of the lines indicated in the legend. Ms. Diehl, of Pape-Dawson Huffcut, said it was the centerline of the creek. Chairman Kosik said it needed to match and be referenced in the legend. Ms. Diehl said there was minor floodplain that would need to be calculated. Chairman Kosik referenced Plat Note #11 which indicates Lot 60A as a HOA lot. He said it was a buildable lot, but only buildable outside of the floodplain. He asked if there was enough area to build a building. Ms. Diehl said it would be green space and a ball field site.

Commissioner Quick said the park access lot on Hyde Park Drive was a good idea.

Chairman Kosik referenced Lot 53A and 60A and noted the wide easement that was right outside the building lots. He further commented that the easement was not identified. Ms. Diehl responded that the layer was not on when the mylar was printed. Ms. Hayes suggested adding a condition stating the LCRA easement needed to be labeled on the plat. Chairman Kosik agreed that the note should be added.

Chairman Kosik asked who was responsible for building the fence along Double Creek Drive. Ms. Diehl said it was the developer. Chairman Kosik asked if there was a note to that effect. He noted the dedicated fence lots for all of the other fences, but there are none along Double Creek Drive. He asked if the fence was going to be placed in an easement. Mr. Stendebach responded that Double Creek Drive is in the process of being eliminated from the Transportation Plan because the State is looking at the area for possible future rail connections. Chairman Kosik asked if it was pulled out of the Transportation Plan, they would not need to put the fence there. Mr. Stendebach said that was correct. Ms. Diehl referenced Plat Note #5 regarding the subdivision walls. Chairman Kosik asked if the reason for the offset between Block A and Block G is because there is more right-of-way laid out for Double Creek Drive on Block A than on Block G. Ms. Diehl said that was correct.

Chairman Kosik said he could not locate Lot 20A, Block G on the plat, though it was referenced in Plat Note #10. Ms. Diehl said Lot 20A, Block G is a landscape lot that parallels the abandoned railroad line in the right-of-way.

Chairman Kosik asked if the issue on Double Creek Drive will cause a problem with continuing Chandler Creek Boulevard across it. Mr. Stendebach said he hoped that it would not cause any problems, and the City will do whatever it can to get the road put through.

Motion: Commissioner Austin made a motion to approve the revised preliminary plat as conditioned. Commissioner Thibodaux seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

8. ZONING AND PLATTING: PUBLIC HEARING/DISPOSITION

- 8.A. **Consider public testimony regarding the application filed by Avery Ranch Company, Ltd., to zone 73.92 acres of land, more or less, out of the Barney Low Survey, Abstract No. 215, in Williamson County, Texas, to PF-3 (Public Facilities - High Intensity) District, application no. 2005-022-Z.**

Ms. Hayes presented staff's analysis noting staff's recommendation of approval.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

- 8.B. ***Consider a recommendation to zone 73.92 acres of land to PF-3 (Public Facilities - High Intensity) District, application no. 2005-022-Z.***

Chairman Kosik noted it was a good application and a good use.

Motion: Commissioner Pavliska made a motion to recommend approval of the zoning application. Commissioner Weeks seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

- 8.C. **Consider public testimony regarding the application filed by the North Texas District Council of the Assemblies of God, to rezone 4.042 acres of land, more or less, out of the George W. Glasscock Survey, Abstract No. 267, in Williamson County, Texas, from TF (Two Family) District to PF-1 (Public Facilities - Low Intensity) District, application no. 2005-023-Z.**

Ms. Hayes presented staff's analysis of the rezoning noting staff's recommendation of approval.

The applicant Pastor Chris Volrath, Pastor of the First Assembly of God, was present.

Chairman Kosik opened the public hearing and asked if there was anyone that wanted to provide testimony for the public hearing.

Mr. Brian Rogers, 1464 David Curry, said he lived directly across from the church property. Mr. Rogers said he was not sure if he was for or against a church across the street from him, but of all of the different uses there could be, the church would probably be the best neighbor. Though he was not necessarily against the church he did have some concerns.

1. The extra traffic flow - He was concerned about the children that walk up and down the street all the time headed for the small park on David Curry.
2. Entrances and exits for the church - He did not want to see an entrance or exit on David Curry, only on Sunrise because it would help cut down on the traffic and he did not think David Curry was wide enough to allow for either. The entrance or exit would be directly in front of his house which would cause congestion.
3. Sufficient parking - He was concerned that the church would not have the parking capacity for the congregation and the parking would spill out onto the residential street.

Mr. Mark Browner, a resident on Curry Loop, said he lived directly behind the potential location for the church. He asked if the rezoning was only for the 4.042 acres as shown on the map. Chairman Kosik said that was correct.

Ms. Hillary Paige, 1007 Country Aire Drive, said she was opposed to the proposal of a church on the property. She moved to the area because of the amount of residential and did not anticipate a lot of new development.

Mr. Joshua Brown, 2411 B Curry Loop, asked how the church would affect the property taxes of near or adjacent properties. He enjoyed going out in the springtime and

looking at the open field and the Bluebonnets. He did not want to look out his window at a parking lot. He said he was also very concerned about traffic and safety issues.

Ms. Janice Smith, a resident on Vernell Way, said she did not want to see the entrances and exits on Sunrise because it was already a very busy street and basically her backyard. There are a lot of children on her street and they play in the backyards that back up to Sunrise Drive. It is currently a residential neighborhood and she would like it to remain that way.

Ms. Dee Durbin, a resident on Curry Loop, said she lived in back of the proposed church site on Curry Loop. She said David Curry Drive was already very busy and lots of excessive speeding. Part of the reason she moved to Round Rock from Austin was because she wanted to enjoy the piece and quiet of a smaller community. This community has a lot of children in it and the children do play in the park on David Curry. There are times when the children dart on foot and their bicycles onto David Curry and there could be a serious accident. She noted the school zone and children walk up and down on the sidewalk on both sides of the street to back and forth to Stoney Point High School. The children should be old enough to look both ways, but teenagers will do whatever they want and will not pay attention to what is going on around them. She also had concerns about the parking that could accumulate on David Curry Drive, Curry Loop and Sunrise once the church is operational, and the added traffic and parking as the church grows.

Mr. Steve Pautz, Fisher Hagood Engineering, said he understood the residents concerns regarding the traffic, but the site has already been granted a waiver for a Traffic Impact Analysis (TIA) by Mr. Tom Martin. The waiver was granted because the applicant is keeping the intensity at a very low level. He said the use would not generate more than 100 cars per peak hour limit that would trigger any traffic problems, based on the City of Round Rock standards. He noted that parking would be provided on site for the facility and will be sufficient to handle the capacity of the facility as it grows. There are no plans of parking on the public streets. The parking issue will be handled at the site plan stage. Mr. Pautz said that the applicant is only planning on existing onto David Curry Drive and not on Sunrise. He did not think there would be any traffic in the school zone area. The initial development will not consume the entire site, because it will be done in phasing.

The initial portion will be relatively small in comparison to the total site acreage. In order to be more compatible with the surrounding neighborhood, the applicant is considering placing a small playground on the site that will be open to the neighborhood. He said that would be another issue that would be discussed further at the site plan stage.

Ms. Marsha Hoffman, a resident on Curry Loop, said she was opposed to the church site because of the traffic congestion and parking issues. She moved to the area because it was residential and she would like it to remain that way. She suggested the church locate on Old Settlers.

Pastor Chris Volrath said there are approximately 50 individuals at church on Sunday mornings and less than that on Sunday nights. The hope of the church is to grow in the future but will have a cap at 300. He brought up the point that the church was already allowed on the site under its current zoning, but because of additional uses that the church wanted to utilize, it required a zoning change to PF-1. Mr. Stendebach explained if the church wanted to have ancillary uses, uses that are not church proper or Sunday school proper, it would require a change from residential zoning to public facilities zoning, which is what the applicant is requesting. He noted that ancillary uses would include daycare facilities or a school. The church itself is only regulated by the parking and landscape standards of the City. The parking standards require that one off-street parking space be provided for every three seats in the church or in the ancillary use. A audience member asked how large the church could get. Chairman Kosik said the size of a church or congregation cannot be limited by zoning or by any City Ordinance that is placed on the property. Mr. Stendebach said the church would have to provide the parking standards that any other use would have to provide which will somewhat control the size of the congregation.

Ms. Durbin said she heard it mentioned that the land was already zoned properly for a church. She asked if that was the case, why was there a public hearing if the decision had already been made. She wanted to know if the resident's opinions would be taken into consideration. Mr. Stendebach said the public hearing is for input. The Planning Commission will make a recommendation as to whether or not the church will be allowed to have the ancillary uses it has requested. He said Ms. Durbin was correct that the church

could go on the site as it is zoned currently and would be limited to 2500 square feet of church uses, but because the applicant wanted to utilize the additional uses, it has to have a higher zoning of PF-1. Chairman Kosik said the Planning Commission will be either a positive or negative recommendation to the City Council regarding the rezoning based on the information that has been provided to them by both staff and the residents. This item will be heard again by the City Council in a second public hearing.

Ms. Hayes said the applicant has requested the zoning change to PF-1 and by doing so, if approved; there will be more intense standards regarding landscaping which in turn will be beneficial for the abutting residents.

An audience member asked what other approved uses could be put on the land under the PF-1 zoning. Mr. Stendebach said cemetery, community service, state or government facility, hospital (though it would not fit), and offices.

Mr. Rogers, a resident, suggested since the land is an open field at this time, he would prefer to see it as a soccer field or sports related. He was not opposed to the church but he thought it would create problems, especially if the entrance and exit were to be on David Curry.

Mr. Richard Brown, 2409 B Curry Loop, said he purchased his house new and it was a very quiet and peaceful place to live. He said he did not have a problem with the church being built just because it was a church, but he did not understand how the applicant had room to build a church, a play area, a preschool and parking lot for a potential congregation of 300 people. He said it could not be done. He did not think it was logical to even think about entering or exiting on David Curry. David Curry is a school zone and there are school buses that use the street. He did not think Sunrise should be considered either.

Chairman Kosik asked if there were any other individuals that wanted to provide testimony for the public hearing. Seeing no one, he closed the public hearing.

- 8.D. Consider a recommendation to rezone 4.042 acres of land from TF (Two Family) District to PF-1 (Public Facilities - Low Intensity) District, application no. 2005-023-Z.**

Commissioner Weeks asked what the current zoning was for the acreage. Mr. Stendebach said it was currently zoned Two Family. Ms. Weeks said if the church were not to go in there, then the other possibility would be duplexes. Mr. Stendebach said yes. Commissioner Weeks noted that duplexes add traffic. She asked if there were any restrictive ordinances on landscaping. Mr. Stendebach said single-family and duplexes do not have landscaping requirements in the ordinance. Commissioner Weeks suggested that someone could go in there and build duplexes and park cars in the back yard. Mr. Stendebach noted that it could happen. Commissioner Weeks asked if fencing was required for each duplex. Mr. Stendebach said no, but fencing would be required along Sunrise like the development across the street. Commissioner Weeks asked if there was any kind of restriction regarding duplexes on building materials. Mr. Stendebach stated that the building plans would have to meet the building code requirements. Commissioner Weeks asked if there were any landscaping guidelines for the PF-1 zoning district. Mr. Stendebach said there are landscaping requirements that will be reviewed at the site plan phase as well as the parking, buffering.

Chairman Kosik said he agreed with some of the concerns about traffic, but as opposed to what could be developed on this piece of ground, he believed a church with PF-1 zoning would not be a particular problem because the church will typically not be operating when the speed limit is 20 mph. He thought this was a good location for a church. Chairman Kosik noted that the largest volume of traffic for the church would be on a Sunday when regular school was not open and traffic on Sunrise is typically not bad on Sunday. He said he would prefer to see driveways on both David Curry and Sunrise, but the driveway issue was not an issue that the Planning Commissioners would consider this evening, that was a staff determination later in the site plan stage. He also noted that there would be discussion regarding the traffic issues when the preliminary and final plats were reviewed by the Commissioners. Ms. Hayes noted that the preliminary plat was approved earlier in the evening on the Consent Agenda. Chairman Kosik said he thought the PF-1 zoning and the church that is proposed to go there would be a good neighbor. He has seen it work in lots of comparable size, and he did not think there was a problem. If traffic is an issue on David Curry Drive then Public Works needs to be advised so they can look at the traffic situation and see if there needs to be some sort of remedy to the

situation. Mr. Stendebach said a copy of the minutes would be provided to the appropriate individuals in Public Works.

Commissioner Weeks said she lives around the corner from another church and they are very good neighbors. She noted that the church lets the residents come in and use their facilities. When the church near her home was built, the landscaping ordinance was not as extensive as it is now, and the extra landscaping would have been very nice. Being that this is a "mothering" church, once it gets to a certain size, a new church will be formed and the initial church will remain at the approximate 300 people congregation and will not get bigger. In knowing the other uses that could go in there, she thought the church would be the best neighbor.

Commissioner Arnold said she concurred with Chairman Kosik and Commissioner Weeks regarding the church being a good use and neighbor. She thought the abutting residents would get a better quality development by having the PF-1 zoning rather than the church developing without the new zoning, which they could do. She was comfortable in saying that with the PF-1 zoning, the residents would get a quality development.

Commissioner Pavliska suggested since there are some current traffic concerns, perhaps the Police could go out and monitor the area and try to get a handle on what is going on there.

Audience members were angry and did not understand why they were sent notices for a public hearing regarding the church if they could go ahead and build there without the public hearing. Chairman Kosik explained that in order to be able to utilize the ancillary uses, the public hearing was necessary for the zoning change from TF to PF-1. Mr. Stendebach said by going forward with the zoning to PF-1, the church would have 7500 square feet of ancillary uses that it would not be able to have in the current zoning of TF.

Commissioner Thibodaux asked if anyone associated with the church has met with the residents. The audience responded no. Chairman Kosik said the Commissioners do encourage the developers to meet with the neighborhood associations or the surrounding neighbors to explain their plans and get input from the residents. He suggested strongly that someone contact the association or the individuals and meet prior to the application

going forward to the City Council. Mr. Stendebach agreed that the residents and developer needed the opportunity to discuss the proposed church and ancillary uses.

Motion: Commissioner Austin made a motion to recommend approval of the rezoning from TF to PF-1. Commissioner Weeks seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

8.E. Consider public testimony regarding the proposed amendment to add MU-1a (Mixed-Use Southwest Downtown) District to Chapter 11, Zoning, City of Round Rock Code of Ordinances, 1995 Edition.

Ms. Jordan presented staff's analysis to the Commissioners noting staff's recommendation of approval of the proposed amendment. She noted the changes that had been made since the last meeting to address questions and concerns.

Chairman Kosik opened the public hearing and asked if there was anyone that wanted to present testimony for the public hearing.

Mr. John Momon, Momon Architects, said he was happy with the changes that staff had made to the proposed amendment. He worked with staff and they were able to address his questions and comments from the last meeting. He complimented staff on their work and he was in support of the proposed amendment.

Mr. Jesus Franco, 208 S, Blair Street, said his only concern was with businesses like Lee's Body Shop. He asked if something should happen to their buildings, could they rebuild their business. Other than that, he trusts the City and can support the proposed amendment.

Chairman Kosik asked if there was anyone else that wanted to provide testimony for the public hearing. Seeing no one, he closed the public hearing.

8.F. Consider a recommendation regarding the proposed amendment to add MU-1a (Mixed-Use Southwest Downtown) District to Chapter 11, Zoning, City of Round Rock Code of Ordinances, 1995 Edition.

Commissioner Arnold said she had a conversation with Ms. Jordan regarding non-conforming uses that includes Lee's Body Shop. She said she was told that as long as it is less than a 60% loss, the owner can rebuild as the property as it was, but if it is 60% or more, he would not be able to rebuild the body shop because it would be considered a

total loss. The property would have to be redeveloped with a permitted use in the new District. Commissioner Arnold went over that information with the body shop owner and he was somewhat satisfied. She asked Ms. Jordan who would determine what the percentage of loss would be. Ms. Jordan said it would either be the Chief Building Inspector or an Insurance Adjustor. Chairman Kosik said he liked the changes that had been made to the ordinance.

Commissioner Thibodaux asked if the issue regarding cleaners had been resolved. Mr. Stendebach said numerous changes have been made to the proposed amendment to accommodate existing businesses and development because it is a unique area. The restriction on cleaners having a drive through has been eliminated, so the cleaning establishment in the area would be conforming.

Motion: Commissioner Weeks made a motion to recommend approval of the proposed ordinance amendment. Commissioner Austin seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

- 8.G. **Consider public testimony regarding the application filed by the City of Round Rock to rezone Block 1, Original City of Round Rock Plat from LI (Light Industrial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block 2, Block 6, Block 7, Block 8, Block 24, Block 25, Block 26, Block 31, Original City of Round Rock Plat from C-1 (General Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block 5, Original City of Round Rock Plat from SF-2 (Single Family-Standard Lot) District and C-2 (Local Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block A, Olsen Subdivision from C-1 (General Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; and Block 27, Original City of Round Rock Plat from SF-2 (Single Family-Standard Lot) District to MU-1a (Mixed-Use Southwest Downtown) District, application no. 2005-011-ZC.**

Ms. Jordan shared staff's analysis with the Commissioners noting staff's recommendation of approval.

Chairman Kosik asked if there was anyone present that wanted to provide testimony for the public hearing. Seeing no one, he closed the public hearing.

- 8.H. ***Consider a recommendation regarding the application to rezone Block 1, Original City of Round Rock Plat from LI (Light Industrial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block 2, Block 6, Block 7, Block 8, Block 24, Block 25, Block 26, Block 31, Original City of Round Rock Plat from C-1 (General Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block 5, Original City of Round Rock***

Plat from SF-2 (Single Family-Standard Lot) District and C-2 (Local Commercial)District to MU-1a (Mixed-Use Southwest Downtown) District; Block A, Olsen Subdivision from C-1 (General Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; and Block 27, Original City of Round Rock Plat from SF-2 (Single Family-Standard Lot) District to MU-1a (Mixed-Use Southwest Downtown) District, application no. 2005-011-ZC.

Chairman Kosik asked how the block numbers on the agenda relate to the tract numbers on the location map. Ms. Jordan said the tract numbers were a way to identify the lots because of the multiple zoning that could be within one tract. Chairman Kosik said he thought before the item went to the City Council that the map and reference material should match and he suggested that blocks be used for both.

Commissioner Pavliska asked if Main Street was still going to go through to IH-35. Mr. Stendebach said it is still in future plans. Commissioner Quick said he really liked the plan and would like to see it extended east of Mays into the central business district.

Motion: Commissioner Weeks made a motion to recommend approval of the rezoning. Commissioner Pavliska seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

9. ELECTION OF OFFICERS

Commissioner Arnold nominated Chairman Al Kosik for Chairman of the Planning Commissioner. Commissioner Pavliska seconded the nomination.

Motion: Commissioner Austin made a motion to close the nominations. Commissioner Weeks seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

Motion: Commissioner Arnold made a motion to elect Al Kosik as Chairman of the Planning and Zoning Commission. Commissioner Pavliska seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

Motion: Commissioner Weeks made a motion to table the election of the Vice-Chairman until the next regular scheduled meeting. Commissioner Pavliska seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

10. CONSIDER DESIGNATING COMMISSIONERS SANDY ARNOLD AND DAVID PAVLISKA AS ADDITIONAL SIGNATORS ON FINAL PLATS

Chairman Kosik asked if the additional signatures on the final plat would be in addition to the Chairman and Vice-Chairman. Mr. Stendebach said it would be in lieu of the Vice-Chairman. The plats have traditionally carried a signature block for both the Chairman and Vice-Chairman. This was originally done in case the Chairman was not in attendance, and then the Vice-Chairman could sign the plat in his absence. Overtime it has evolved to two signatures when only one is really needed. Mr. Stendebach noted there have been problems in getting the Vice-Chairman's signature in a timely manner when he has been out of town, so it was decided that an additional signatory approved by the Planning Commission was needed. Commissioner Weeks asked if the additional names would be added to the plat. Mr. Stendebach said that would be worked out with the Legal Department and see what the best way to handle the situation would be.

Chairman Kosik asked Mr. Crossfield if he was in agreement with the explanation. Mr. Crossfield said yes.

Motion: Commissioner Weeks moved to approve the addition of Sandy Arnold and David Pavliska as the designated additional signatures on final plats. Commissioner Pavliska seconded the motion.

Vote: Ayes: Chairman Kosik, Commissioners David Pavliska, Betty Weeks, Sandy Arnold, Ray Thibodaux, Larry Quick and Dale Austin. Noes: None; Abstain: None; Absent: Commissioners Peter Drapes and Russ Boles. The motion carried unanimously.

11. PLANNER REPORT AND COMMISSION COMMENTS

Mr. Stendebach reminded the Commissioners on the upcoming retreat the following week. The retreat will be held at the Bar K Recreational Center in Lago Vista on Tuesday, September 27, 2005. He noted that a map had been provided to the Commissioners.

Chairman Kosik noted that on the plats there is a flood insurance map referenced. He asked if there was something more current than 1991. Eric Langhout of Public Works, said he would check with FEMA on any updates; however there is a panel dated 1997.

12. ADJOURN

Hearing no further discussion, Chairman Kosik adjourned the meeting at 9:36 P.M.

Sincerely yours,

Dianna Hutchens
Administrative Technician III